

Memorandum

Date: September 8, 2005

To: All Holders of Enforcement Division Directives Manual

From: **Wanda J. Kirby, Chief Deputy Director**
Department of Fair Employment & Housing
(213) 439-6761 CALNET 8-213-439-6761

Subject: Directive 233 - Service of Complaints

I. RESPONDING TO REQUESTS FOR COPY OF UNREGISTERED COMPLAINTS

In accordance with Department policies and procedures, the complaint filing date is the date a signed complaint is received in a DFEH District Office. Such complaints will be date-stamped at the bottom-right portion of the complaint form near the signature area, given a case number and served within 2 working days. However, there may be instances when a Complainant requests a copy of the complaint for purposes of verifying its filing with the Department. To the extent possible, the complaint should be date-stamped, assigned a case number and a copy given to the Complainant. In those instances where this is not feasible, a photocopy of the un-numbered complaint will be stamped at the top-right portion of the form in the case number area as "COPY: Not For Service" and given to the Complainant. The original complaint will then be date-stamped at the bottom-right portion of the complaint form near the signature area, numbered and mailed and/or served in accordance with the procedures set forth in Directive 233 and Clerical Manual Chapter 7, Service.

II. "b" and "c" COMPLAINTS RETURNED TO THE DEPARTMENT

There are instances where "b" and "c" complaints are returned by the Post Office as undeliverable or where the Respondent has refused to accept service.

When a complaint is returned as undeliverable, the District Administrator should review the Respondent information provided by the Complainant to ensure that the complaint was mailed to the proper address. If it is determined that the complaint was mailed to the wrong address, it should be re-mailed to the proper address. If the complaint was initially mailed to the proper address, the District Administrator will prepare a letter (DFEH-200-18) to the Complainant advising why the complaint could not be served. A copy of any evidence from the Post Office that documents that the complaint was returned should be attached to the letter. The original closing letter shall be filed in the case file. If after receiving the letter, the Complainant provides the Department the correct

service information within 60 days of the filing of the complaint, service will be re-attempted.

When a complaint is returned because the Respondent has refused service, the District Administrator will prepare a letter (DFEH-200-18) to the Complainant advising that the Respondent refused service of the complaint. A copy of any evidence from the Post Office that documents that the Respondent refused service should be attached to the letter. The original closing letter shall be filed in the case file. Subsequently, if information is received from the Respondent within 60 days of the filing of the complaint that service will be accepted, service will be re-attempted.

After familiarizing yourself with the contents of this memorandum, make the appropriate entry in the index and file it in front of Directive 233 in the Enforcement Division Directives Manual.

WANDA J. KIRBY
Chief Deputy Director